

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK CARABALLO,

Plaintiff,

-against-

WARDEN PLILER, et al.,

Defendants.

**ORDER DENYING REQUEST
FOR PRO BONO COUNSEL**

21-CV-10476 (PMH)

PHILIP M. HALPERN, United States District Judge:

This Court, on September 13, 2022, denied what it construed as a request from Plaintiff for pro bono counsel. (Doc. 34). Later that same day, a subsequent request for pro bono counsel was docketed. (Doc. 37). That one-page letter, labeled “Motion for Appointment of Counsel,” maintains in conclusory fashion that Plaintiff “is both handicapped and greatly disadvantaged,” that he “lacks the legal knowledge and resources” to litigate this case, that he “lacks the knowledge to articulate his claims properly,” and that anticipated evidence includes medical records include medical records and surveillance video. (*Id.*). As the Court noted previously, it cannot determine whether Plaintiff’s claims are likely to be of substance. (Doc. 34 at 3). Moreover:

at this early stage of the proceeding, there is no indication that Plaintiff cannot investigate the crucial facts or present his case, whether cross-examination will be the major proof presented to the fact finder, that this matter will involve complex legal issues, or any special reason why appointment of counsel would be more likely to lead to a just determination herein. Moreover, Plaintiff has made no showing regarding his efforts to retain counsel. Accordingly, the Court concludes that at this stage of the case, representation would not lead to a quicker and more just result by sharpening the issues and shaping examination.

(*Id.*). The subsequent application for pro bono counsel is, according, DENIED without prejudice to renew.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 37 and to mail a copy of this Order to Plaintiff at FTC Oklahoma City, Federal Transfer Center, P.O. Box 898801, Oklahoma City, Oklahoma 73189.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED:

Dated: White Plains, New York
September 14, 2022



PHILIP M. HALPERN
United States District Judge